



17a!

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 10/786,679 Confirmation No. 3609

Applicant : Nicholas J. Bate, et al.

Filed : February 25, 2004

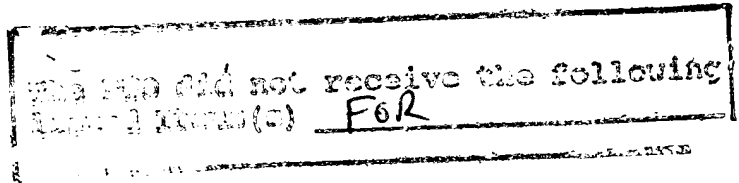
TC/A.U. : 1638

Examiner : Not Known

Docket No. : 1587

Customer No. : 27310

Title : A Promoter Localized in the Embryo Surrounding Region



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FILING OF AN INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(b)**

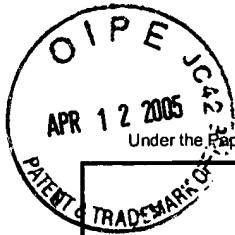
The attached list of citations on PTO Form 1449 is being submitted under the provisions of 37 CFR §1.56 and §1.97(b) in order to comply with the duty of disclosure. Their inclusion herein should not, however, be construed as an admission that any particular cited reference is effective prior art or that it discloses or renders obvious any aspect of the claimed invention. A copy of each cited reference is enclosed, except for those references which are already part of the filewrapper. This statement is being filed within the time period specified in 37 CFR §1.97(b). No fee is required.

Respectfully submitted,

*Karen K Varley*

Karen K. Varley  
Agent for Applicant(s)  
Registration No. 45,751

PIONEER HI-BRED INTERNATIONAL, INC.  
Corporate Intellectual Property  
7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000  
Phone: (515) 334-6780  
Facsimile: (515) 334-6883



## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on April 8, 2005  
Date

Karen K Varley  
Signature

Karen K. Varley  
Typed or printed name of person signing Certificate

45,751  
Registration Number, if applicable

515-334-6780  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Filing of Information Disclosure Statement: 1 Page/1 Copy  
Form 1449: 2 Pages/1 Copy  
Four Cited References: 1 Copy of Each/61 total pages  
Return Postcard

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/08a (08-03)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet	1	of	2
-------	---	----	---

**Complete if Known**

<i>Application Number</i>	10/786,679
<i>Filing Date</i>	February 25, 2004
<i>First Named Inventor</i>	Nicholas J. Bate
<i>Art Unit</i>	1638
<i>Examiner Name</i>	Not Known
<i>Attorney Docket Number</i>	1587

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner  
Signature**

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2 of 2

**Complete if Known**

Application Number	10/786,679
Filing Date	February 25, 2004
First Named Inventor	Nicholas J. Bate
Art Unit	1638
Examiner Name	Not Known
Attorney Docket Number	1587

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	A3	BONELLO, J-F, et al.; "Esr genes show different levels of expression in the same region of maize endosperm"; Gene 246 (2000) 219-227	
	A4	OPSAHL-FERSTAD, H-G, et al.; "ZmEsr, a novel endosperm-specific gene expressed in a restricted region around the maize embryo"; The Plant Journal (1997) 12(1) 235-246	
	A5	BATE, N., et al.; "An Invertase Inhibitor from Maize Localizes to Embryo Surrounding Region during Early Kernel Development"; Plant Physiology, January 2004, Vol. 134, pp. 246-254	
	A6	SHARMA, V.K., et al.; The Arabidopsis CLV3-like (CLE) genes are expressed in diverse tissues and encode secreted proteins"; Plant Molecular Biology 51:415-425, 2003	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.